

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**In re: MICHAEL KOST and
D. SUSAN KOST,
Debtors**

**: Chapter 7
: Case No. 5-11-05427
:**

MOTION TO SELL PERSONAL PROPERTY AT PUBLIC SALE

AND NOW COMES, William G. Schwab, Trustee for the estate of Michael Kost and D. Susan Kost, by and through his counsel, William G. Schwab and Associates, and makes this Motion, respectfully stating in support thereof:

1. Movant, William G. Schwab, Esquire, is the duly appointed, qualified and acting Trustee in bankruptcy in the above-captioned proceeding, having his place of business at 811 Blakeslee Boulevard Drive East, Lehighton, Pennsylvania 18235.

2. This Court has jurisdiction of the matter pursuant to 28 U.S.C. 157 and 28 U.S.C. 1334.

3. On the date the petition was filed there existed personal property of the estate including a 1999 Ford F-150.

4. The Trustee has examined the property with the Debtor as well as proposed auctioneer, Houser Auctioneers, and has determined that it is in the best interest of the estate and creditors to offer the same for public sale.

5. The Trustee has filed an application to employ Houser Auctioneers, as auctioneer at a commission of ten (10%) percent of the gross proceeds, plus reasonable costs of advertising and labor.

6. Trustee seeks leave to sell certain personal property of the above-captioned estate at public auction on SATURDAY, OCTOBER 29, 2011 beginning at 9:30 a.m at 1190 Center Street, Tamaqua, Schuylkill County, Pennsylvania, or such later date that it is continued to if inclement weather.

7. The Trustee is basing this Motion for Sale on the currently filed Claim of Exemptions (Schedule C) of the Debtor and relying on same to make this sale cost effective to the creditors of the estate.

8. The Trustee further requests the Court to allow distribution of the proceeds from the sale of the personal property, pursuant to the priority of the United States Bankruptcy Court as follows:

- a. Any out-of-pocket expenses advanced by WILLIAM G. SCHWAB, ESQUIRE, in connection with the sale of the aforementioned property, and which have not been reimbursed at the time of settlement, along with a reserve of Three (3%) percent for a potential Trustee commission to be held until further Order of Court;
- b. Auctioneer's commission of ten (10%) percent commission, plus any out-of-pocket costs related to the sale;
- c. Any notarization and/or incidental recording fees associated with the sale of the above property;
- d. Balance to be distributed to unsecured creditors.

WHEREFORE, the Trustee prays this Honorable Court to issue a Notice to Creditors indicating on such the final date for filing answers or objections to the within motion, and following the time set for answers or objections, to enter an order granting relief to sell the aforementioned personal property at public sale, and to allow the Trustee, William G. Schwab, Esquire, to execute all papers and documents necessary to effectuate said sale, and to distribute the proceeds as aforementioned.

Respectfully Submitted,

WILLIAM G. SCHWAB & ASSOCIATES

By: /s/ William G. Schwab
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